

RESOLUTION NUMBER R- 286275

ADOPTED ON AUG 15 1995

WHEREAS, under Section II, 36(b) and Attachment A of Ordinance No. O-18193, adopted on July 25, 1995, the City's Transient Occupancy Tax Fund allocation for Arts and Cultural Programs, the San Diego Symphony Association ("Symphony") was allocated \$418,282 for Fiscal Year 1995-96; and

WHEREAS, pursuant to the original Allocations Programs for Organizational Support Agreement between City and Symphony for Fiscal Year 1995-96, the Symphony received \$200,000 of the allocated money for Fiscal Year 1995-96; and

WHEREAS, the Symphony has asked for the balance of the allocation to be paid to it immediately with a revised set of program objectives; and

WHEREAS, the City agrees that the goal of the Allocations Program will be met by these alternative program objectives; and

WHEREAS, the proposed alternative program to be accomplished by Symphony continues to contribute to a balance of community cultural, recreational, and promotional programs designed to enhance the well-being of the community; and

WHEREAS, the program to be accomplished by Symphony is of such nature that the interests of City continue to be better served by an agreement with Symphony than by the performance of such a program by City; and

WHEREAS, the City Council is desirous of granting Symphony's request; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be authorized to execute an amendment to the existing Allocations Program for Organizational Support Agreement with the San Diego Symphony Association in accordance with the following:

1. The balance of \$218,282 allocated to Symphony under Ordinance No. O-18193 be payable immediately upon execution of the First Amendment to Agreement between City and Symphony.

2. The First Amendment to Agreement to contain waivers of Council Policy 100-03, Sections 4(i), pertaining to the 13th payment, B-5 and D.

3. The First Amendment to Agreement to contain an amended Scope of Services (Program Objectives), that is, an amended Exhibit A.

4. In accordance with Section II, 36(b) of Ordinance No. O-18193, the Symphony shall repay City the equivalent of one-thirteenth of \$418,282 if actual Transient Occupancy Tax revenues do not meet budget projections.

BE IT FURTHER RESOLVED, that the City Manager be authorized to execute the First Amendment to the Agreement between City and Symphony with the understanding that the San Diego Symphony Association be required to file a restructuring plan, which includes a revised business, marketing, and fundraising plan, as part of the Fiscal Year 1997 funding application submitted to the City of San Diego Commission for Arts and Culture Allocations

Program for Organizational Support, which application is due
November 3, 1995.

APPROVED: JOHN W. WITT, City Attorney

By *Cristie C McGuire*
Cristie C. McGuire
Deputy City Attorney

CCM:jrl
08/14/95
Or.Dept:Fin.Mgmt.
Aud.Cert:9600162
R-96-188
Form=r-t

Agreement between the City of San Diego and
the San Diego Symphony Association, a nonprofit
organization, is on file in the Office of the
City Clerk as Document No. RR-286275.

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE AC 9600162

ORIGINATING DEPT. NO.: 913

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 418,282 Fund 10220

Purpose Authorizing the City Manager to enter into an agreement with the San Diego Symphony waiving council policy 100-03 and including any terms determined in council action.

Date 8/11/95 By: Phil Phillips 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
001	0	10220	913	6076	4222	913676				\$418,282.00
TOTAL AMOUNT										\$418,282.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ _____

Vendor _____

Purpose _____

Date _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

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